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Docket No. 61152-A/JPW/AJM/HA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Saul J. Silverstein et al..
Serial No. : 09/769, 699 Examiner: G. Leffers Jr.
Filed : January 25, 2001 Group Art Unit: 1636
For : VZV ORF29p PROTEIN-RELATED COMPOSITIONS AND
METHODS
1185 Avenue of the Americas
New York, New York 10036
October 8, 2003

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF APPEAL FROM THE EXAMINER'S
DECISION TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Final Office Action mailed April 8, 2003 finally rejecting pending claims 1-7, 9 and 11 in connection with the above-identified application.

Applicants are concurrently filing a Petition for an additional two-month extension of time in which to respond to the April 8, 2003 Final Office Action. Applicants filed an Amendment in Response to April 8, 2003 Final Office Action and Petition for a One-Month Extension of Time on August 8, 2003. With an additional two-month extension of time, a response to the April 8, 2003 Final Office Action is due October 8, 2003. Therefore, the subject application is pending on October 8, 2003 and this Notice of Appeal is being timely filed.

The required fee for filing a Notice of Appeal for a small entity is \$165.00, and a check for this amount is enclosed.

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No fee, other than the \$165.00 sum, is deemed necessary in connection with the filing of this Notice of Appeal. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
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